

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

BRAUN GmbH,

Plaintiff,

v.

RAYOVAC CORPORATION,

Defendant.

Civil Action No. 03-CV-12428-WGY

**BRAUN GMBH'S MOTION FOR LEAVE TO FILE A REPLY MEMORANDUM**

Plaintiff Braun GmbH ("Braun") brings this motion pursuant to Local Rule 7.1(b)(3) seeking leave to file a memorandum in reply to Defendant Rayovac Corporation's ("Rayovac") Opposition to Braun's Motions for Partial Summary Judgment on Infringement, Invalidity and Inventorship. The memorandum is attached hereto as Exhibit A. Braun seeks to file a short reply memorandum primarily because after it filed its Motion for Summary Judgment on Infringement, but *before* Rayovac filed its opposition, Rayovac took the deposition of Braun's expert witness on infringement and Braun took the deposition of Rayovac's expert witness. In its opposition, Rayovac quotes from the deposition of Braun's expert at length; Braun hereby requests that the Court allow Braun an opportunity to reply to Rayovac's characterization of that testimony, as well as to bring to the Court's attention certain statements of Rayovac's expert. Braun also wishes briefly to address Rayovac's statements on a small number of other issues.

Braun GmbH

By its attorneys,

/s/ Dalila Arguez Wendlandt  
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September 19, 2005

**Certificate of Compliance with LR 7.1**

I, Dalila Arguez Wendlandt, certify that I conferred with counsel for Rayovac Corporation in a good faith effort to resolve the disputes addressed herein, and Rayovac does not object to this motion.